

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Administration of the)	CC Docket No. 92-237
North American Numbering Plan)	
Carrier Identification Codes (CICs))	

BELLSOUTH COMMENTS

BellSouth Corporation,¹ on behalf of itself and its affiliated companies,² by counsel, files its comments to the Commission's Further Notice of Proposed Rulemaking and Order in the above-referenced docket.³ BellSouth holds four Carrier Identification Codes (CICs) and is a

¹ BellSouth Corporation (BSC) is a publicly traded Georgia corporation that holds the stock of companies which offer local telephone service, provide advertising and publishing services, market and maintain stand-alone and fully integrated communications systems, and provide mobile communications and other network services world-wide.

² The affiliated companies participating in the preparation of these comments in addition to BSC include BSC's directly held subsidiary BellSouth Telecommunications, Inc., a Bell operating company as that term is defined at 47 U.S.C. § 153(4)(B) that provides wireline telephone exchange service and exchange access service in parts of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee; and BellSouth Mobility, Inc. (BMI), a wholly owned subsidiary of BellSouth Cellular Corporation, in turn a wholly owned subsidiary of BellSouth Enterprises, a directly held subsidiary of BSC. BMI provides commercial mobile radio services throughout parts of the nine states in which BST provides wireline telephone exchange service.

³ Administration of the North American Numbering Plan Carrier Identification Codes (CICs), CC Docket No. 92-237, *Further Notice of Proposed Rulemaking and Order* (October 9, 1997) ("*Further Notice*"); *Order* 12 FCC Rcd 19573 (1997) (extending deadlines for comments and reply comments).

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member of the Industry Numbering Committee (INC), the forum which is responsible for the development and maintenance of the *CIC Assignment Guidelines*.⁴

The *Further Notice* continues the Commission's analysis of issues related to CIC use and assignment, specifically with regard to CIC expansion and conservation, two inherently intertwined issues that are of the utmost importance in light of recent increased demand for CICs.⁵ BellSouth acknowledges the appropriateness of the Commission's concern, which is well founded in light of recent resource allocation problems. Overall, however, CIC administration is working reasonably well, and the Commission has supervised responsible expansion of the resource so that thousands of CIC codes are now available.

The Commission has requested and received from the North American Numbering Council (NANC) a number of recommendations covering the tentative conclusions and proposals within the *Further Notice*.⁶ The *NANC Report* correctly counsels against maintaining the present conservation plan of two CICs per entity after the current three- to four-digit CIC transition is completed; against adopting the *CIC Assignment Guidelines* as formal rules; against maintaining the current requirement for a CIC holder to purchase a Feature Group D trunk; against constraining access uses of CICs; and against imposing extraordinary conservation measures to extend the four-digit CIC resource as long as possible. The *NANC Report* correctly recommends

⁴ *Carrier Identification Code Assignment Guidelines*, INC 95-0127, formerly ICCF 92-0726-002, Revision November 1997.

⁵ *Further Notice* ¶¶ 1, 8.

⁶ *Report and Recommendations of the CIC Ad Hoc Working Group to the NANC Regarding Use and Assignment of Carrier Identification Codes (CICs)* (February 18, 1998) (*NANC Report*), filed with the Commission on February 19, 1998 (Letter from Alan C. Hasselwander, Chairman, North American Numbering Council, to A. Richard Metzger, Jr., Chief, Common Carrier Bureau, February 19, 1998, supp. February 25, 1998)

that the six CIC per entity limit be maintained on a temporary basis, proposes a reasonable definition of entity, and proposes codification of current INC requirements that CICs be activated within six months of assignment and that CICs show usage and access, as indicated on semi-annual local exchange carrier (LEC) reports.

However, the *NANC Report* is not all sound. As a matter of equitable resource allocation policy, it is unfair for one carrier to obtain many times the number of its limit of CIC codes through mergers and acquisitions, and still be permitted to obtain up to its original limit of CIC codes. Thus NANC's proposal that CICs acquired through mergers and acquisition not be counted toward the limit should not be adopted by the Commission. To the extent the *NANC Report* indicates that the NANC will actually make any changes to the industry guidelines, it is again inconsistent with best management principles relating to the CIC resource. Issues such as the need to maintain beyond six months the current limit on CIC assignment, and whether the limit should be changed, should not be reviewed by NANC, but rather by the INC, the body with continuing responsibility to implement the *CIC Assignment Guidelines*. Finally, to the extent that the *NANC Report* suggests that access customers should have more flexibility with respect to their use of CICs than access providers, it is inconsistent with principles of fairness and equity in numbering resource management.

BellSouth is not a member of NANC but participated in the CIC Ad Hoc Working Group convened by NANC in response to the Commission's directive to the NANC to file separate recommendations on the tentative conclusions and other issues set forth in the *CIC FNPRM*. BellSouth agrees that the Working Group's recommendations represent a consensus within the industry achieved through cooperative discussion and problem solving within the group.

BellSouth believes the Working Group's success is based on the fact that its scope of work was clearly defined by the Commission in its *Further Notice* and because there was immediate agreement on fundamental questions such as aversion to guideline codification, the lack of a critical shortage of the resource, and a desire to end the current conservation plan and return to the INC established assignment limit.⁷

Perhaps no issue involving CICs has been more contentious than the definition of entity. The *NANC Report's* definition of entity appears reasonable and should be workable for as long as the *CIC Assignment Guidelines* are structured in such a way that there is a limit on the number of CICs that can be assigned to an entity.⁸ However, the whole issue of whether there should be limits on the number of CICs assigned, and whether the *CIC Assignment Guidelines* ought to address assignment to "entities" or to "carriers" or simply to "applicants" should be resolved within the INC. Thus, while whatever definition of entity that is recommended as a result of this proceeding should provide the guidance needed by the North American Numbering Plan Administrator to assign CICs pursuant to the current *CIC Assignment Guidelines*, the recommendation should not constrain the INC from developing a new definition of entity if it feels a more workable definition is required or from dropping the term from the *Guidelines* altogether.

⁷ Such cooperative discussion and problem solving is not unique to NANC or its working groups; this process is the process by which the INC routinely addresses revisions to the current *CIC Assignment Guidelines*. Indeed, the participants of the NANC CIC Ad Hoc Working Group are largely the same entities and individuals who work the same issues at INC meetings.

⁸ The Commission's proposed definition is also reasonable.

The *NANC Report* reflects a minority position advocated by BellSouth concerning the Working Group's decision not to count CICs acquired through mergers and acquisitions towards the acquiring entity's six code limit. BellSouth strongly disagrees with the consensus recommendation. It is inequitable that one carrier could have hundreds of CIC codes, acquired through mergers and acquisitions, and still be able to apply for up to six CIC codes, while other carriers could never obtain more than six codes. The recommendation seems to be internally inconsistent with NANC's proposed definition of entity, because companies acquired by merger or acquisition are more than likely to fall within the very definition of "entity" proposed by NANC. Further, NANC has proposed that entities that believe they are confronted with an extraordinary situation which demands the assignment of a CIC beyond the six CIC limit can address the situation with the Commission on an individual basis. If this is truly a fair and equitable way to deal with carriers, then the same procedure should apply to carriers who have acquired more than their limit of CIC codes through mergers and acquisitions as to carriers who have acquired up to their limit under the *CIC Assignment Guidelines*. If carriers feel that, notwithstanding an internal inventory of CICs in excess of industry approved limits, an additional CIC assignment is warranted, the burden should be on the carrier with CICs in excess of industry-established limits to demonstrate to the FCC why it is reasonable to receive another CIC. There is no numbering principle promulgated by the Commission or any other body that can justify a rule denying carriers access to a numbering resource while other carriers have many times the number of resources gained through mergers and acquisitions.

Finally, BellSouth agrees with the NANC's observation that CICs are used primarily by access providers (including BellSouth) for access routing (intraLATA and interLATA toll presubscription), access charging, and by end users for "dial around" to allow connectivity to carriers to which they are not presubscribed.⁹ BellSouth also agrees that access customers may also use CICs to support service differentiation or customer segmentation, or for unique marketing purposes.¹⁰ BellSouth notes with agreement NANC's belief that use of CICs should not be constrained to a limited set of applications, and that neither access providers nor access customers should be constrained in their use of CICs.¹¹ Any implied distinction between uses appropriate for access providers and uses appropriate for access customers should be eliminated. Therefore, in light of the NANC recommendation that alternatives to CICs "should be used at the discretion of the access customer"¹² the Commission should clarify that alternatives to CICs should be used at the discretion of the "access *provider or* customer." Fairness requires that all carriers be treated alike with respect to the assignment and use of the CIC resource.

⁹ *NANC CIC Working Group Report* at ¶ 14.

¹⁰ *Id.*

¹¹ *Id.* at ¶ 17.

¹² *Id.*


CONCLUSION

The Commission should not codify the current *CIC Assignment Guidelines*. Except as noted above, BellSouth concurs with the *NANC*. If the Commission adopts the *NANC*'s recommendations, it should nevertheless decide that CIC codes acquired through mergers and acquisitions count toward the maximum limit, and that both access providers and access customers have the same right to develop alternative uses for CICs.

Respectfully submitted,

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DATE: March 6, 1998

CERTIFICATE OF SERVICE

I do hereby certify that I have this 6th day of March, 1998, served all parties to this action with a copy of the foregoing **BELLSOUTH COMMENTS** by placing a true and correct copy of same in the United States Mail, postage prepaid, addressed to the parties listed below.

Alan Hasselwander, Chairman
North American Numbering Council
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Denise W. Tuttle